

### **Remarks**

Claims 1-25 and 27 are currently pending in this application. Claim 26 has been cancelled. Claim 27 has been added. Claims 1, 5, 12, 13, and 22-25 have been amended.

### **Rejections Under 35 U.S.C. §102**

#### *The Gau Reference*

Claims 1, 2, 4-8, 10, 12, 15, 16, 19, 20, and 26 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pub. No. 2002/0156528 to Gau (“Gau”). The PTO provides in MPEP §2131 that, “[t]o anticipate a claim, the reference must teach every element of the claim. . . .”

Therefore, with respect to amended independent claims 1 and 5 to sustain this rejection, Gau must contain all of the elements of the claims. However, Gau does not appear to disclose an articulation member positioned *entirely* between the two plates as recited in amended claims 1 and 5. Rather, Gau teaches, “[i]nside [a cage 7] there is a space for accommodating the movable body or ball 8, which is captured in this space, but is held . . . in such a way that it emerges at each of the two opposite faces (upper and lower faces) of the cage 7 . . .” (para. 0056). Each of the embodiments of Gau appear to disclose this same configuration in which a ball 8 is captured within a single cage body – not positioned entirely between two plates.

For at least these reasons, independent claims 1 and 5 are believed to be allowable over Gau, and notice to that effect is respectfully requested. Claims 2-4 depend from and further limit claim 1 and are therefore also believed to be in condition for allowance. Claims 6-25 depend from and further limit claim 5 and are therefore also believed to be in condition for allowance.

#### *The Xavier Reference*

Claims 1-8, 10, 12-17, 19, 21, and 25 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 6,063,121 to Xavier et al. (“Xavier”). As discussed above, the PTO provides in MPEP §2131 that, “[t]o anticipate a claim, the reference must teach every element of the claim. . . .” Therefore, with respect to amended independent claims 1 and 5 to sustain this rejection Xavier must contain all of the elements of the claims. However, Xavier does not

appear to disclose a first recessed surface and a second recessed surface. Therefore, it follows that Xavier does not disclose a motion-controlling member extending or positioned between the first and second recessed surfaces. Since the Examiner has not rejected dependent claim 26 (now cancelled) as anticipated by Xavier, the Examiner has effectively acknowledged that Xavier does not teach recesses between which extend a motion-controlling member.

For at least these reasons, independent claims 1 and 5 are believed to be allowable over Xavier, and notice to that effect is respectfully requested. Claims 2-4 depend from and further limit claim 1 and are therefore also believed to be in condition for allowance. Claims 6-25 depend from and further limit claim 5 and are therefore also believed to be in condition for allowance.

#### **New Claim**

Claim 27 has been added and recites, *inter alia*, a first plate comprising a recessed surface adjacent to a convex articulation surface, a second plate comprising a concave articulation surface in articulating engagement with the convex articulation surface, and a motion-controlling member positioned between the recessed surface and the second plate. Neither Gau, Xavier, nor Gau and Xavier in combination with U.S. Pat. No. 6,579,320 to Gauchet et al. appear to teach the elements as claimed.

For at least these reasons, new independent claim 27 is believed to be allowable and notice to that effect is respectfully requested.

**Conclusion**

As a result of the foregoing, it is respectfully submitted that pending claims 1-25 and 27 are all in condition for allowance. Should the Examiner deem any further amendments necessary to place this application in condition for allowance, the Applicant welcomes the Examiner to contact the undersigned at the below listed telephone number.

Please grant any extension of time required to enter this response and charge any additional fees required by this paper to our Deposit Account No. 08-1394.

Respectfully submitted,

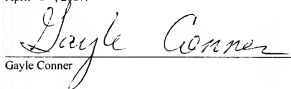


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I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via EFS-Web on April 2, 2007.

  
Gayle Conner